



RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
ART UNIT 1743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William Kopaciewicz, et al.
Serial No. : 09/659,241
Filed : September 11, 2000
For : HIGH DENSITY CAST-IN-PLACE SAMPLE PREPARATION
CARD
Examiner : Ludlow, J.
Art Unit : 1743
Attorney :
Docket No. : MCA-463

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231
Sir:

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as first class mail in an envelope addressed to: Commissioner of Patents
and Trademarks, Washington, D. C. 20231,
on January 9, 2002 (Date)

Kevin S. Lemack
Name of applicant, assignee, or Registered
Representative

[Signature]
Signature

January 9, 2002
Date

REMARKS

The Office Action dated November 2, 2001 has been received and carefully studied.

The Examiner maintains the rejection of claims 1-20, 22-24 and 31-34 under 35 U.S.C. §102(b) as being anticipated by Fernwood et al., or alternatively under 35 U.S.C. §103(a) as being unpatentable over Fernwood et al.

The Examiner is respectfully requested to reconsider her position.

The Examiner states that Fernwood teaches a device having sample reservoirs 12, collection reservoirs 20, filtration substrate 13 and spouts 14 fixed together with screws and latches. The Examiner considers the filter portions to be of the same thickness as the rest of the sheet, and that the adsorbent filters (TEFLON or TEFLON coated with diatomaceous earth) are

DUPLICATE

inherently functionalized to be adsorbent. The Examiner considers the diatomaceous earth particles to be entrapped in the porous matrix.


It is now clear from the Office Action that the Examiner considers the language at column 3, lines 25-30 of Fernwood et al. to mean that the porous filtration substrate 13 can fill the sample reservoirs 12. Applicants respectfully but vigorously disagree. The circular regions referred to in Fernwood et al. are porous portions, aligned with each well, formed in the nonporous film. There is no disclosure or suggestion whatsoever that the filtration substrate fills the well. Indeed, Fernwood et al. clearly state that the circular embodiment involves a nonporous film or sheet the same size as the membrane shown, but containing porous circular regions aligned with each aperture. Accordingly, Fernwood et al. do not disclose or suggest structures having the instantly claimed aspect ratio, and in fact teach away from such a suggestion.

The Examiner rejects claims 2 and 10 under 35 U.S.C. §103(a) as being unpatentable over Fernwood and further in view of Foltz, and claim 21 as being unpatentable over Fernwood and further in view of Bowers et al.

These claims are believed to be allowable by virtue of their dependence for the reasons articulated above.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,


Kevin S. Lemack
Reg. No. 32,579
176 E. Main Street
Westboro, Massachusetts 01581
TEL: (508) 898-1818